

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MITCHELL LYNN WHITE,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-11-1162-F
)	
UNITED STATES OF AMERICA,)	
and WARDEN OF FCI-EL RENO,)	
)	
)	
Respondents.)	

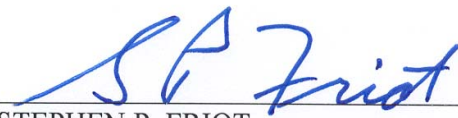
ORDER

On December 13, 2011, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation, wherein she recommended that petitioner's petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be construed as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and that the case be transferred to the United States District Court for the District of Oregon pursuant to 28 U.S.C. § 1631. In the Report and Recommendation, Magistrate Judge Couch advised petitioner of his right to file an objection to the Report and Recommendation by January 3, 2012, and further advised petitioner that failure to make timely objection waives his right to appellate review of the factual and legal issues therein addressed.

To date, petitioner has not filed an objection to the Report and Recommendation and has not sought leave for an extension of time to file an objection. With no objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch on December 13, 2011 (doc. no. 6) is **ACCEPTED, ADOPTED**, and **AFFIRMED**. Petitioner's petition seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is construed as a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. As the sentencing court, the United States District Court for the District of Oregon is the proper forum for adjudication of the § 2255 motion, and this court **TRANSFERS** this case to the United States District Court for the District of Oregon pursuant to 28 U.S.C. § 1631.¹

DATED January 18, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

11-1162p001.wpd

¹ The court is cognizant that petitioner has previously filed § 2255 motions in the District of Oregon and that petitioner's case may be subject to dismissal for failure to obtain permission from the Ninth Circuit for the filing of his successive motion.